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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

Ms. J.P., et al.

Plaintiffs,

v.

**Merrick B. Garland,
U.S. Attorney General, et al.,**

Defendants.

) **Case No. 2:18-cv-6081-JAK-SK**

)

) **JOINT STATUS REPORT**

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) Judge: John A. Kronstadt

) Magistrate Judge: Steven Kim

) Hearing Date: October 25, 2021

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1 The Court ordered the parties to file an updated joint status report (“JSR”) on or
2 before October 12, 2021 to address the status of the case and the status of implementation
3 of this Court’s preliminary injunction. ECF No. 314. The Court stated that it will use this
4 JSR to determine if it should proceed with the currently-scheduled October 25, 2021
5 status conference. *Id.* The parties submit this JSR in accordance with the Court’s
6 instruction.

7 On March 11, 2020, Defendant U.S. Department of Health and Human Services
8 (“HHS”) finalized a multimillion-dollar sole-source contract with the Seneca Family of
9 Agencies (“Seneca”), a qualified non-profit organization, for the purpose of
10 implementing the preliminary injunction as to the Released Subclass. The initial contract
11 between HHS and Seneca was set to terminate on January 10, 2021. On March 24, 2020,
12 the Court granted the parties’ stipulation staying this litigation—including pending
13 discovery—through January 10, 2021. ECF No. 298.

14 As the parties have previously told the Court, the parties agree that the completion
15 of the Seneca contract, along with the provision of relief to the Custody Subclass by
16 Defendant the U.S. Department of Homeland Security, and its component U.S.
17 Immigration and Customs Enforcement (“ICE”), is expected to fully implement the
18 preliminary injunction and provide the relief ordered by the preliminary injunction to
19 Detained Subclass members and Released Subclass members. *See* Joint Status Report,
20 March 24, 2020, ECF No. 297 at 3.¹ For that reason, the parties agreed that a stay of the
21 litigation was warranted while relief was being provided by Seneca under the contract
22 between HHS and Seneca. *Id.*

23
24 ¹ Defendants submit on behalf of the Orange County Counsel’s office that Defendant Captain Lisa Von
25 Nordheim should be removed as a Defendant in this case. The Musick facility where she was the
26 “Warden” has been closed for 2 years, and the Orange County Sheriff’s Office terminated its agreement
27 with ICE in July 2019. Thus, Defendants submit that the issues related to the Orange County Sheriff’s
28 Office and Defendant Von Nordheim are moot.

1 Defendants informed Plaintiffs on January 5, 2021, that a zero-dollar six-month
2 extension of the Seneca contract until July 10, 2021, was approved on January 5, 2021.
3 Since then, Defendant HHS has further extended the contract with Seneca to provide the
4 services ordered by the preliminary injunction until January 10, 2022, and Seneca is
5 continuing to attempt to contact class members and connect class members who request
6 mental health services to providers, including class members recently returned to the
7 United States as part of the *Ms. L.* case. Seneca has continued to provide the services
8 contemplated by the preliminary injunction to the class members, undertaking significant
9 efforts to contact class members during the COVID-19 pandemic and related lockdowns,
10 and connect class members who want mental health services with those services. On
11 October 1, 2021, Seneca submitted a progress report to HHS, attached hereto as Ex. A,
12 in which Seneca summarized the efforts it has undertaken to assist class members
13 obtaining the court-ordered services through September 30, 2021.

14 On March 10, 2021, Defendants here entered into global settlement negotiations
15 with Plaintiffs in *Ms. L., et al. v. U.S. Immigration and Customs Enforcement, et al.*, 18-
16 cv-00428-DMS-MDD (S.D. Cal.). Plaintiffs and Defendants here understand that the
17 settlement negotiations in the *Ms. L.* case include negotiations regarding the contemplated
18 provision of mental health care for class members consistent with the culturally sensitive,
19 trauma-informed injunctive relief ordered by this Court and provided by Seneca pursuant
20 to the preliminary injunction in this case. Plaintiffs and Defendants here also understand
21 that although the negotiations are extensive and ongoing, the parties in *Ms. L.* are
22 optimistic that settlement of that case will be reached, and that such settlement will
23 address the relief at issue in this case as well. Plaintiffs' counsel here are actively working
24 with the ACLU, counsel for Plaintiffs in the *Ms. L.* action, and will participate in the
25 negotiation of the portion of the global settlement relating to the provision of mental
26 health care to the class.

1 In sum, the preliminary injunction in this case continues to be implemented, while
2 the parties in *Ms. L.* negotiate a global settlement with Plaintiffs here providing input on
3 issues of mental health care for the class. The parties in *Ms. L.* and this case believe that
4 a global settlement process will best facilitate achieving the objectives in the two cases
5 for the class.

6 Accordingly, the parties suggest that the stay in this case be extended with a further
7 status report required in 90 days including updating this Court on the status of the global
8 settlement negotiations. If the Court would like further information in the interim, the
9 parties will endeavor to provide it.

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1 Dated: October 12, 2021

Respectfully Submitted,

2 Amy P. Lally
Sidley Austin LLP

3 By: /s/ Amy P. Lally (with permission)
4 AMY P. LALLY

5 *Attorney for Plaintiffs*

6 Dated: October 12, 2021

Respectfully Submitted

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SIGNATURE ATTESTATION

Pursuant to LR 5-4.3.4(a)(2)(i), I hereby attest that the concurrence in the filing of the document has been obtained from each of the other Signatories.

/s/ Sarah B. Fabian
Sarah B. Fabian
Attorney for Defendants

CERTIFICATE OF SERVICE

IT IS HEREBY CERTIFIED THAT:

I, Sarah B. Fabian, am a citizen of the United States and am at least eighteen years of age. My business address is 450 Fifth Street, NW, Washington, D.C. 20001. I have caused service of the Joint Status Report on all counsel of record, by electronically filing the foregoing with the Clerk of the District Court using its ECF System, which electronically provides notice. I declare under penalty of perjury that the foregoing is true and correct.

DATED: October 12, 2021

/s/ Sarah B. Fabian
Sarah B. Fabian